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Date: 29 NOV 1978 By: 025

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5 February 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Investigation of Possible Criminal Activity by Employees

1. On 5 February 1974 I discussed with the Deputy Attorney General, Mr. William Rogers, and his assistant, Mr. Robert Minor, S. 2308, a bill to authorize and direct the investigation by the Attorney General for certain offenses. Mr. Rogers stated he was familiar with the problem raised by the bill and agreed that we would have a special problem, but he felt the solution lay in an interdepartmental agreement which would satisfy our security problems. He asked me to work out the details with Mr. Minor.

2. After considerable discussion with Mr. Minor, he stated that he thought our position was fairly presented and completely justified. He said, therefore, that if S. 2308 or a similar bill were passed that the Department of Justice would enter into a written agreement with the Central Intelligence Agency so that the CIA could conduct its own investigations of information, allegations, or complaints regarding possible criminal activity in connection with highly confidential operations relating to the foreign responsibilities of the Agency. In the event information is developed indicating that a crime has been or may have been committed, we would have a duty to make a report to the Department of Justice under appropriate classification.

3. Mr. Minor inquired whether we had language we could suggest in the event the bill were reconsidered. I discussed with him the only language we have developed, which he said he felt would not be acceptable to the Department as it reopens the door the Committee is trying to close. I had to say that in his position I would probably take the same view.

4. I subsequently called Mr. Tom Collins, Clerk of the Senate Judiciary Committee, who had been most helpful in this problem, and told him that if queried he could inform the Committee that the language of the bill, if strictly construed, would create a very serious problem for us but that we had assurance from the Department of Justice that a satisfactory arrangement for our problems could be made within the terms of the bill. Consequently, while we were not endorsing the bill we were not taking a stand against its passage in its present form. (Shades of Senator Bricker, here is an act of Congress which would be implemented as to this Agency only through an executive agreement.)

cc: DD/P

RU

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General Counsel